United Nations A/CONF.192/PC/7

General Assembly

Distr.: General
17 March 2000
English
Original: French

Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
First session
28 February-3 March 2000

Note verbale dated 1 March 2000 from the Permanent Mission of France to the United Nations and note verbale dated 2 March 2000 from the Permanent Observer Mission of Switzerland to the United Nations transmitting the "Food-for-thought paper" entitled "Contribution to the realization of an international plan of action in the context of the 2001 Conference: marking, identification, and control of small arms and light weapons

A. Note verbale dated 1 March 2000 from the Permanent Mission of France to the United Nations addressed to the Secretariat

The Permanent Mission of France to the United Nations presents its compliments to the secretariat of the Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and requests it to find enclosed a "food-for-thought paper" concerning a contribution to the implementation of an international plan of action for the 2001 Conference (see annex).

The Permanent Mission requests the secretariat of the Preparatory Committee to arrange for this document to be processed and to be circulated to all delegations as a document of the Preparatory Committee for the International Conference and transmitted to representatives of accredited non-governmental organizations.

B. Note verbale dated 2 March 2000 from the Permanent Observer Mission of Switzerland to the United Nations addressed to the Secretariat

The Permanent Observer Mission of Switzerland to the United Nations presents its compliments to the secretariat of the Preparatory Committee for the

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United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and requests it to find enclosed a "food-for-thought paper" concerning a contribution to the implementation of an international plan of action for the 2001 Conference (see annex).

The Mission would be grateful if the secretariat of the Preparatory Committee would arrange for this document to be processed and circulated to all delegations accredited to the United Nations and transmitted to representatives of accredited non-governmental organizations.

Annex

[Original: English and French]

FOOD-FOR-THOUGHT PAPER

CONTRIBUTION TO THE REALISATION OF AN INTERNATIONAL PLAN OF ACTION IN THE CONTEXT OF THE 2001 CONFERENCE: MARKING, IDENTIFICATION AND CONTROL OF SMALL ARMS AND LIGHT WEAPONS

The destabilising accumulation and spread of small arms and light weapons[1] as well as their indiscriminate use have led to prolonged human suffering and created insecurity in many parts of the world. Small arms represent the main source of death and injuries in war, and more particularly in the internal conflicts that have become predominant in the 1990s. The accumulation and transfer of these weapons — both legal and illegal — have led to destabilisation in many regions, and to the escalation, intensification and prolongation of many conflicts. The consequences are a lasting obstacle to reconstruction, to peace-building, and to sustainable socio-economic development.

Taking up the challenge posed by small arms implies the adoption of a multifaceted approach, to be applied at national, regional and global levels. As there is no single solution to this problem, a number of courses of action must be considered simultaneously:

- Combating the illegal trade in small arms. Action involving police, customs and judicial co-operation is an initial response to this problem. As states want to go further in this direction and eliminate any possibility of refuge, they are now working to draw up a United Nations convention against transnational organised crime. One additional protocol to this future international agreement deals with measures to combat the illegal manufacturing of and trafficking in firearms, their parts and components, and ammunition.

- Strengthening the controls on the legal trade in small arms. This involves, first of all, strengthening the national legislative and regulatory frameworks, encouraging information exchange and transparency, and promoting the adoption of codes of conduct and voluntary regional moratoria. Such action should be backed up by efforts to improve the security and management of stocks.

- Managing post-conflict situations and contributing to conflict prevention. In many cases, rehabilitation is conceivable only through the implementation of arrangements for collecting and destroying surplus small arms, assisting victims, and demobilising former combatants and reintegrating them into society as part of a reconstruction programme. Preventive disarmament, on its part, is possible only when states explicitly request it. The restoration of the rule of law, based on the values of democracy and pluralism, may require restructuring of the armed forces, reform of the internal security forces, and the re-establishment of confidence, security and justice.

[1] Hereafter referred to as "small arms".

The value of these combined efforts, primarily applied at the regional level, was shown by the United Nations Development Programme (UNDP), when a "proportional and integrated approach to security and development" was implemented, particularly in Africa.

Following up the recommendations made by the UN Group of Governmental Experts in a report adopted at the 54th General Assembly of the United Nations, states have now agreed to hold an international conference in June/July 2001 on the illicit trade in small arms and light weapons in all its aspects.

An action plan should then be approved, in order to speed up and guide action by the international community, and promote sustained consideration of this complex issue. This international action plan should thus include not only political elements but also legally binding instruments. This would make it possible to reflect the involvement of states in considering the general problem of small arms and light weapons, and to go into particular aspects in more depth.

Marking of small arms and light weapons is a promising area in this respect, where states could decide to make a concerted effort to enhance control of small arms flows. In its effort to identify the multiple solutions needed to address the issue of small arms, the Preparatory Committee could, inter alia, emphasise this course of action.

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There is wide recognition that international efforts to prevent and combat the destabilising accumulation and spread of small arms could be strengthened by improving the traceability of small arms flows. Enhanced control of small arms flows would allow legitimate authorities to identify diversion points as well as ways in which these arms fell into wrong hands. These authorities would then be better positioned to prevent those accumulations and diversions from taking place in the future.

To be effective, an international system for controlling small arms flows requires three key elements:

- marking of small arms and light weapons;
- registration of production, stocks and transfers of small arms and light weapons;
- traceability of small arms and light weapons, i.e. the ability of the authorities to follow and trace supply lines back to their source.

From this point of view, marking is not an end in itself, but is pivotal to identifying and controlling small arms.

The draft protocol against the illicit manufacturing of and trafficking in firearms, their parts and components, and ammunition supplementary to the UN convention against transnational organised crime includes articles designed to establish internationally recognised standards and provisions regarding marking, registration and traceability of firearms.

The adoption of such provisions would undoubtedly represent a major contribution towards enhancing control of small arms flows. Yet, the scope of the protocol is not specifically

designed to meet the problems relating to the destabilising accumulation and spread of small arms. The draft protocol on firearms is a law enforcement instrument designed for the areas of crime prevention and penal justice. It does not enter into the realm of disarmament and arms control.

Yet, the report submitted to the United Nations by the Group of Governmental Experts on Small Arms emphasises the importance to address the question of state-to-state transfers. The experts noted, on the one hand, that state-to-state transfers often become integral part of illegal supply lines for small arms and, on the other hand, that they do sometimes contribute to the accumulation and spread of weapons, with destabilising effects, in areas of tension and in regions affected by conflicts. By deciding to hold the Conference in 2001 on the illicit trade of small arms and light weapons in all its aspects, the 54th General Assembly intentionally guided the efforts of the states in this direction.

Acknowledging the widespread international support regarding the necessity to control the flows of small arms, taking into account the provisions envisaged in the protocol on firearms and recognising the role of the 2001 Conference in this respect, we consider it necessary to set up a convention on marking, identification and control of small arms and light weapons. The international action plan, to be adopted during this Conference, could integrate this specific possibility of action.

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The objective of a convention on marking, identification and control of small arms and light weapons would be to contribute to enhanced control of small arms flows. It would facilitate the identification of their production and movements, and would make it possible to trace back the routes used by the illegal trade. The arrangements should be designed to reinforce the ability of the international community and individual states to prevent and combat the destabilising accumulation and spread of small arms.

The issue of marking has already been the subject of numerous studies and exchanges at various international workshops. Many delegations have demonstrated their interest in this subject and have initiated a dialogue, drawing in particular on the reflections of numerous non-governmental organisations, many of which participating in IANSA – International Action Network on Small Arms – as well as of the World Forum on the Future of Sport Shooting Activities.

Some essential principles could guide the approach to this project:

- The fundamental elements of marking, identification and control should be defined and accepted by all countries.
- Marking should allow ascertaining the origin of small arms and light weapons.
- Appropriate marking should be financially feasible. It should be based on a known and proven technique, and should be secure and reliable.
- An assessment mechanism should be developed, in order to keep up with technical developments in small arms and light weapons, and their marking.
- The registration of data for identification and control of small arms and light weapons should be carried out at a national level.
- The data recorded should contribute to efforts to combat illegal trade in as well as destabilising accumulation and spread of small arms and light weapons.
- Traceability should be based on mechanisms involving co-operation and the exchange of information between states.
- Confidentiality issues should be taken into account.
- Finally, there should be provisions for a mechanism of assistance and international co-operation, so as to ensure broad participation in these efforts.